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Attorney Docket No.: Bayer 10,222-WCG
: FAS 00020-US

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

Applicant(s) : Wolfgang ANDERHEGGEN et al.
For : A PROCESS AND AN APPARATUS FOR THE
SEPARATION OF OIL FROM CHOPPED ELASTANE
FIBERS WHICH CONTAIN PREPARATIONS
Serial No. : 10/055,652
Filed : January 23, 2002
Art Unit : 1751
Examiner : Preeti Kumar

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February 27, 2004

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

On January 5, 2004, Applicants received a Notice of Abandonment in the above-identified application, which indicated that the application was abandoned "because of Applicants failure to respond to the Office letter, mailed on 23 July 2003".

Applicants hereby petition the Commissioner to exercise his authority and revive this

application in view of the following facts:

On December 18, 2003, Applicants submitted the following papers to the Patent Office via facsimile to (703) 872-9306:

- (1) Amendment under 37 CFR ' 1.111
- (2) Petition for a three month extension of time.
- (3) FAX COVER SHEET.

These papers were acknowledged as having been received on December 18, 2003 at 12:07:05 PM (Eastern Standard Time), by the Patent Office's "Auto-Reply Facsimile Transmission". As proof of this fact, a copy of the "Auto-Reply Facsimile Transmission" is enclosed herewith. In addition, both the Amendment and the Petition for Extension of time included certificates of facsimile transmission. The "Auto-Reply Facsimile" and the certificates of facsimile transmission" constitute *prima facie* evidence that the items listed were received in the Patent Office on the date acknowledged by the "Auto-Reply Facsimile Transmission" and indicated in the certificates of facsimile transmission (see MPEP 502.01).

In case these papers have been inadvertently lost within the Patent office, Applicants enclose copies of the FAX COVER SHEET, the Amendment under 37 CFR ' 1.111, the Petition for a three month extension of time, and the "Auto-Reply Facsimile Transmission" to complete the official file. The undersigned hereby certifies that the

copies submitted are true copies of these papers as they were originally filed (or, in the case of the "Auto-Reply Facsimile Transmission", as received).

The Commissioner should note that papers (1) and (2) each contain duly executed certificates of facsimile transmission, indicating that they were faxed to the Commissioner for Patents on December 18, 2003. This filing is timely since, taking into account the extension of time, the due date was December 23, 2003.

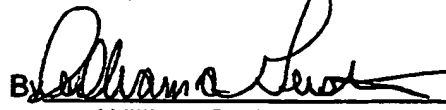
In short, Applicants submit that the Rule 111 Amendment was, in fact, timely filed by Applicants and that, therefore, the application should not have been held abandoned.

Applicants request, therefore, that the Commissioner exercise his authority and correct the record to show that this application is pending and has not been abandoned. Specifically, it is respectfully requested that the Notice of Abandonment be withdrawn and the application returned to active status.

Applicants do not believe that a fee is required for this petition. However, should the Commissioner determine that any fee is, in fact, due, he is hereby authorized to charge the fee due to Deposit Account No. 14-1263.

Early and favorable action is earnestly solicited.

Respectfully submitted
NORRIS, McLAUGHLIN & MARCUS

By 

William C. Gerstenzang
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I hereby certify that this correspondence is being deposited with sufficient postage with the United States Postal Services as Express Mail, Label No. EV 383032568 US in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 27, 2004

By 

Julie Harting
Date February 27, 2004